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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,486	11/27/2001	Krishna Sundaresan	081862.P251	2696

7590 11/03/2006
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EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,486

Applicant(s)

SUNDARESAN ET AL.

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment filed on 8/24/2006 has been entered. The active claims are 1-28.

It is acknowledged that Applicants elected not to include a "Summary of the Invention" in their specification.

A new abstract that is more aptly descriptive of the invention claimed is requested. It appears that Applicants' invention is a method and not a machine readable medium.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9 and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art in view of Eriksson (USP 6,243,384).

Claims 10-16 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson (USP 6,243,384) in view of Rochberger (USP 6,208,623).

Details of the rejections have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

In the communication filed on 8/24/2006, Applicants stated that they claim "issuing from node information describing address change within a SIG field in a PNNI Topology State Element". Applicants virtually concede that the rest of the recitation is prior art. The only remaining issue is whether the limitation above is patentable distinct over the applied art. A PNNI Topology State Element is nothing but a fancy name given to a packet communicated through a network of PNNI protocol [0028]. A SIG field is nothing but a fancy name given to a field within a packet. Claim 1 does not recite what

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the method is for. Nor claim 1 recites how the SIG field is being used. When claim 1 is analyzed as a whole and given its broadest interpretation (stripped the labels), claim 1 merely recites a node within a network for receiving and transmitting packet. No patentable weight is given to the label (PNNI ATM) of the network, nor the label of a field (SIG field), nor the label of a packet (PTSE), nor the label of a path (SPVC) because as far as the receiving and issuing steps are concern, whether or not the network is PNNI ATM, the field is SIG field, the packet is PTSE and the path is SPVC are immaterial. Further, no patenting weight is given to what the node information describes because there is no step recited to use the node information. As far as the node is concern, the node information is nothing but 0 and 1s. Any node capable of transceiving information within a network would meet the requirement of the claims let alone the combined references teach PNNI network, SPVC path, PTSE packet and updating address change in response to notification from the other node (see page 4 of the Office action mailed 2/18/2005).

As to combinability, since both references teach PNNI network, it would have been obvious to a person of ordinary skill in the to update address change as taught by Eriksson in a PNNI network as admitted by Applicants. The motivation is to have the correct node address or up to date current address so that the communication within the network reaches the correct destination. Applicants fail to provide any reason as to why this would not motivate an ordinary skill in the art.

As to the remarks directed to the 103 Rejection of claims 10-16 and 25-28 over Eridsson in view of Rochberger, Applicants merely allege what the applied references

do not teach. Applicants fail to provide any persuasive arguments as to why the rejection set out in the Office action mailed on 2/18/2005 is in error. In the Office action, the Examiner explains in detail how the applied references read on the claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

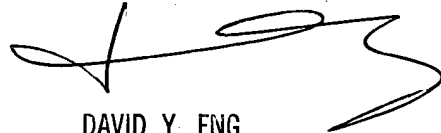
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Y. Eng', with a stylized flourish at the end.

DAVID Y. ENG
PRIMARY EXAMINER